

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ORIGINAL

**In the United States District Court
Northern District of Texas
Fort Worth Division**

2015 SEP -9 PM 12:40

TS
CLERK OF COURT

Martha Kibler,

Plaintiff

vs

Tarrant County, Texas and Honorable
Russ Casey, Tarrant County Justice of
the Peace, Precinct 3

Defendants

§
§
§
§
§
§
§
§
§
§

Cause No. 4:15-CV-00626-A

Original Answer of Russ Casey

TO THE HONORABLE JUDGE OF THIS COURT:

The Defendant, Russ Case, files this Original Answer and in Support thereof would show as follows:

1. Paragraph 1 consists of legal conclusions to which no response is required.
2. This Defendant admits the allegations in Paragraph 2.1 of the Complaint.
3. Paragraph 2.2 consists of legal conclusions to which no response is required.
4. In response to Paragraph 2.3 of the Complaint, the Defendant states that it is admitted that he is the Justice of the Peace for Tarrant County, Precinct 3. The remainder of the referenced paragraph is so vague and ambiguous that the Defendant may neither admit or deny the allegations for the reason that he would be unaware of the effect of his response, whether an admission or a denial.
5. To the extent that Paragraph 2.4 applies to the Defendant, the Defendant

denies these allegations.

6. In response to Paragraph 3.1 of the Complaint, the Defendant states that this Court does not have jurisdiction over any Title VII claims against the Defendant for the reason that the Defendant is not an "employer."

7. Paragraph 3.2 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

8. The Defendant denies the allegations in Paragraph 3.3 of the Complaint.

9. In response to Paragraph 3.4 of the Complaint, the Defendant states that venue is not disputed. Otherwise, the allegations in this Paragraph are denied.

10. The allegations in Paragraph 4.1 of the Complaint consist of nothing but legal conclusions to which no response is required.

11. The allegations in Paragraph 4.2 of the Complaint consist of nothing but legal conclusions to which no response is required.

12. The allegations in Paragraph 4.3 of the Complaint consist of nothing but legal conclusions to which no response is required.

13. The Defendant denies the allegations in Paragraph 4.4 of the Complaint.

14. The Defendant denies the allegations in Paragraph 5.1 of the Complaint.

15. The Defendant denies the allegations in Paragraph 5.2 of the Complaint.

16. In response to Paragraph 5.3 of the Complaint, the Defendant states: the referenced date appears to be correct; the Defendant is an elected Justice of the Peace for Tarrant County, Precinct 3; the Defendant's salary was paid by Tarrant County; the

Defendant was supervised in some aspects of his position, but not in others.

17. The Defendant denies the allegations in Paragraph 5.4 of the Complaint.

18. The Defendant denies the allegations in Paragraph 5.5 of the Complaint.

19. The Defendant denies the allegations in Paragraph 5.6 of the Complaint.

20. The Defendant denies the allegations in Paragraph 5.7 of the Complaint.

21. The Defendant denies the allegations in Paragraph 5.8 of the Complaint.

22. In response to Paragraph 5.9 of the Complaint, the Defendant states that it is admitted that the Plaintiff never kissed the Defendant on the lips. The Defendant denies the remainder of this paragraph.

23. The Defendant denies the allegations in Paragraph 5.10 of the Complaint.

24. The Defendant denies the allegations in Paragraph 5.11 of the Complaint.

25. The Defendant denies the allegations in Paragraph 5.12 of the Complaint.

26. The Defendant denies the allegations in Paragraph 5.13 of the Complaint.

27. The Defendant denies the allegations in Paragraph 5.14 of the Complaint.

28. The Defendant denies the allegations in Paragraph 5.15 of the Complaint.

29. In response to Paragraph 5.16 of the Complaint, the Defendant states that it is admitted that he asked the Plaintiff to return her laptop computer and office keys and informed her that her employment was terminated after learning that she had been claiming compensation for mileage to which she was not entitled. The remainder of this paragraph is denied.

30. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.17 of the Complaint.

31. In response to Paragraph 5.18 of the Complaint, the Defendant states that, prior to the discovery of the Plaintiff's wrongdoing, he would have described her as loyal, intelligent, dependable and trustworthy. Otherwise, the allegations in this Paragraph are denied.

32. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.19 of the Complaint. However, the Defendant denies any and all wrongdoing.

33. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.20 of the Complaint. However, the Defendant denies any and all wrongdoing.

34. The Defendant denies the allegations in Paragraph 5.21 of the Complaint.

35. The Defendant denies the allegations in Paragraph 5.22 of the Complaint.

36. In response to Paragraph 6.1 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

37. The Defendant denies the allegations in Paragraph 6.2 of the Complaint.

38. In response to Paragraph 6.3 of the Complaint, the Defendant states that it is admitted that the Plaintiff is a female. Otherwise, the allegations in this paragraph are denied.

39. In response to Paragraph 6.4 of the Complaint, the Defendant states that it is denied that any sexual harassment occurred.

40. In response to Paragraph 6.5 of the Complaint, the Defendant states that it is admitted that the Plaintiff was never disciplined up to and until the time her

wrongdoing was discovered. Otherwise, the allegations in this paragraph are denied.

41. The Defendant denies the allegations in Paragraph 6.6 of the Complaint.

42. The Defendant denies the allegations in Paragraph 6.7 of the Complaint.

43. Paragraph 6.8 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies that any sexual harassment occurred or that a hostile work environment existed.

44. The allegations in Paragraph 6.9 of the Complaint consist of nothing but legal conclusions to which no response is required.

45. In response to Paragraph 6.10 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

46. The Defendant denies the allegations in Paragraph 6.11 of the Complaint.

47. In response to Paragraph 6.12 of the Complaint, the Defendant states that it is admitted that the Plaintiff is a female. Otherwise, the allegations in this paragraph are denied.

48. In response to Paragraph 6.13 of the Complaint, the Defendant states that it is admitted that the Plaintiff was never disciplined up to and until the time her wrongdoing was discovered. Otherwise, the allegations in this paragraph are denied.

49. The Defendant denies the allegations in Paragraph 6.14 of the Complaint.

50. The allegations in Paragraph 6.15 of the Complaint consist of nothing but legal conclusions to which no response is required.

51. The Defendant denies the allegations in Paragraph 6.16 of the Complaint.

52. The Defendant denies the allegations in Paragraph 6.17 of the Complaint.

53. The Defendant denies the allegations in Paragraph 6.18 of the Complaint.

54. In response to Paragraph 6.19 of the Complaint, the Defendant states that it is denied that any sexual harassment occurred. Otherwise, this Paragraph of the Complaint does not relate to this Defendant and no response is therefore required of him.

55. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.20 of the Complaint. However, the Defendant denies any and all wrongdoing.

56. The allegations in Paragraph 6.21 of the Complaint consist of nothing but legal conclusions to which no response is required.

57. In response to Paragraph 6.22 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

58. The Defendant denies the allegations in Paragraph 6.23 of the Complaint.

59. The Defendant denies the allegations in Paragraph 6.24 of the Complaint.

60. The Defendant denies the allegations in Paragraph 6.25 of the Complaint.

61. The allegations in Paragraph 6.26 of the Complaint consist of nothing but legal conclusions to which no response is required.

62. In response to Paragraph 6.27 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

63. The Defendant denies the allegations in Paragraph 6.28 of the Complaint.

64. In response to Paragraph 6.29 of the Complaint, the Defendant states that it is admitted that the Plaintiff is a female. Otherwise, the allegations in this Paragraph

are denied.

65. The Defendant denies the allegations in Paragraph 6.30 of the Complaint.

66. The Defendant denies the allegations in Paragraph 6.31 of the Complaint.

67. The Defendant denies the allegations in Paragraph 6.32 of the Complaint.

68. Paragraph 6.33 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

69. The allegations in Paragraph 6.34 of the Complaint consist of nothing but legal conclusions to which no response is required.

70. In response to Paragraph 6.35 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

71. The Defendant denies the allegations in Paragraph 6.36 of the Complaint.

72. The Defendant denies the allegations in Paragraph 6.37 of the Complaint.

73. The Defendant denies the allegations in Paragraph 6.38 of the Complaint.

74. The allegations in Paragraph 6.39 of the Complaint consist of nothing but legal conclusions to which no response is required.

75. In response to Paragraph 6.40 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

76. The Defendant denies the allegations in Paragraph 6.41 of the Complaint.

77. The Defendant denies the allegations in Paragraph 6.42 of the Complaint.

78. Paragraph 6.43 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all

wrongdoing.

79. The Defendant denies the allegations in Paragraph 6.44 of the Complaint.

80. Paragraph 6.45 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

81. Paragraph 6.46 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

82. Paragraph 6.47 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

83. Paragraph 6.48 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

84. The Defendant denies the allegations in Paragraph 6.49 of the Complaint.

85. The allegations in Paragraph 6.50 of the Complaint consist of nothing but legal conclusions to which no response is required.

86. In response to Paragraph 6.51 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

87. Paragraph 6.52 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

88. Paragraph 6.53 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

89. Paragraph 6.54 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

90. Paragraph 6.55 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

91. Paragraph 6.56 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

92. Paragraph 6.57 of the Complaint does not relate to this Defendant and no response is therefore required of him. However, the Defendant denies any and all wrongdoing.

93. The Defendant denies the allegations in Paragraph 6.58 of the Complaint.

94. The Defendant denies the allegations in Paragraph 6.59 of the Complaint.

95. The allegations in Paragraph 6.60 of the Complaint consist of nothing but legal conclusions to which no response is required.

96. In response to Paragraph 6.61 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

97. Paragraph 6.62 of the Complaint does not relate to this Defendant and no

response is therefore required of him. However, the Defendant denies any and all wrongdoing.

98. The Defendant denies the allegations in Paragraph 6.63 of the Complaint.

99. The Defendant denies the allegations in Paragraph 6.64 of the Complaint.

100. The Defendant denies the allegations in Paragraph 6.65 of the Complaint.

101. The Defendant denies the allegations in Paragraph 6.66 of the Complaint.

102. The Defendant denies the allegations in Paragraph 6.67 of the Complaint.

103. The allegations in Paragraph 6.68 of the Complaint consist of nothing but legal conclusions to which no response is required.

104. In response to Paragraph 6.69 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

105. The allegations in Paragraph 6.70 of the Complaint consist of nothing but legal conclusions to which no response is required.

106. The Defendant denies the allegations in Paragraph 6.71 of the Complaint.

107. The Defendant denies the allegations in Paragraph 6.72 of the Complaint.

108. The Defendant denies the allegations in Paragraph 6.73 of the Complaint.

109. The allegations in Paragraph 6.74 of the Complaint consist of nothing but legal conclusions to which no response is required.

110. In response to Paragraph 6.75 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

111. The Defendant denies the allegations in Paragraph 6.76 of the Complaint.

112. The Defendant denies the allegations in Paragraph 6.77 of the Complaint.

113. The Defendant denies the allegations in Paragraph 6.78 of the Complaint.

114. The allegations in Paragraph 6.79 of the Complaint consist of nothing but legal conclusions to which no response is required.

115. In response to Paragraph 6.80 of the Complaint, the Defendant incorporates herein the same as if fully copied at length, his responses to the referenced paragraphs.

116. The Defendant denies the allegations in Paragraph 6.81 of the Complaint.

117. The Defendant denies the allegations in Paragraph 6.82 of the Complaint.

118. The allegations in Paragraph 6.83 of the Complaint consist of nothing but legal conclusions to which no response is required.

119. The Defendant denies the allegations in Paragraph 7.1 of the Complaint.

120. The Defendant denies the allegations in Paragraph 8.1 of the Complaint.

121. The Defendant denies the allegations in Paragraph 8.2 (including all sub-paragraphs) of the Complaint.

122. The Defendant denies the allegations in Paragraph 9.1 of the Complaint.

123. In response to Paragraph 10.1 of the Complaint, the Defendant states that it is acknowledged that the Plaintiff has requested a trial by jury.

124. In response to Section XI of the Complaint, the Defendant states that it is denied that the Plaintiff is entitled to any form of relief.

125. If not apparent from the above, the Defendant denies any and all

wrongdoing.

Affirmative Defenses

126. The Defendant asserts that all or part of the Plaintiff's complaint is barred by the applicable statute of limitations.

127. The Defendant denies that he is a an employer as defined by 42 USC § 2000e(b).

128. Subject to and without waiving the foregoing, in the alternative if necessary, and without waiving Plaintiff's burden to show otherwise, Defendants based all employment actions taken with respect to Plaintiff on job-related factors, consistent with business necessity, and for legitimate reasons.

WHEREFORE, the Defendant respectfully requests that the Plaintiff take nothing by this suit and for such other and further relief, both at law and in equity, to which they may be justly and legally entitled.

Respectfully Submitted,

LAW OFFICES OF ED WALTON
101 Metro Dr.
Terrell, Texas 75160
(972) 499-4833 (Direct Line)
attorneyed@gmail.com




Ed Walton
SBN: 20828550

Certificate of Service

This is to certify that a true and correct copy of this instrument has been served on the following through the Court's ECF system:

Andrea S. Loveless
1301 Ballinger
Fort Worth, Texas 76102
andrea@lovelesslawfirm.com

Signed this ^{9th} ~~20th~~ ^{September} day of August, 2015.


Ed Walton